

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARY CLUCK,
Plaintiff,

v.

STATE OF WASHINGTON *et al.*,
Defendants.

Case No. C07-5047RBL

ORDER TO AMEND THE
COMPLAINT

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff was given leave to proceed *in forma pauperis*. Plaintiff names the State of Washington, and eleven other defendants in a proposed complaint that is more than two hundred pages long (Dkt. # 1). The proposed complaint violates Fed. R. Civ. P. 8 (a).

The Court, having reviewed plaintiff's complaint, and the balance of the record contained herein, does hereby find and ORDER as follows:

(l) The Court declines to order that plaintiff's complaint be served on defendants until she corrects the deficiencies identified below:

(a) In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (l) the conduct complained of was committed by a person acting under color of state law and that (2)

1 the conduct deprived a person of a right, privilege, or immunity secured by the Constitution or laws
2 of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other grounds*,
3 Daniels v. Williams, 474 U.S. 327 (1986). Section 1983 is the appropriate avenue to remedy an
4 alleged wrong only if both of these elements are present. Haygood v. Younger, 769 F.2d 1350, 1354
5 (9th Cir. 1985), cert. denied, 478 U.S. 1020 (1986).

6 (b) Review of the lengthy complaint reveals page after page of legal argument and legal
7 briefing for each claim. The document violates Fed. R. Civ. P. 8 (a) and (e)(1). The amended
8 complaint needs to contain short, concise factual allegations, not pages of legal analysis. The factual
9 allegations must contain enough information for the court and the defendants to identify what
10 specific conduct or event is at issue and who the defendants are relative to that conduct or event.
11 Plaintiff is **ORDERED** to file an amended complaint. The amended complaint will act as a complete
12 substitute for the original and must be received on or before **March 30, 2007** or the court will enter
13 a Report and Recommendation that this action be dismissed.

14 (2) The letter from the clerk's office regarding copies for the original complaint, and
15 plaintiff's response are now moot (Dkt. # 6 and 7).

16 (3) No motions for relief will be considered until the court has an acceptable complaint
17 in this action. Plaintiff's motion for proposed motions for preliminary injunctions should be removed
18 from the court's calendar (Dkt. # 4 and 5). Plaintiff may re-note these motions after the court
19 accepts a complaint and orders service.

20 (4) The Clerk is directed to send a copy of this Order to plaintiff, **remove any pending**
21 **motions for relief, (Dkt. # 4 and 5), from the court's calendar, and note the due date for the**
22 **amended complaint as March 30, 2007.**

23
24 DATED this 23 day of February, 2007.

25
26 /S/ J. Kelley Arnold
27 J. Kelley Arnold
28 United States Magistrate Judge